

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>Criminal No. 16-30 Erie</b>
	:	
<b>RICK WEAVER BUICK GMC, INC.</b>	:	
<b>ADAM JAMES WEAVER</b>	:	
<b>DOUGLAS ALAN GROOMS</b>	:	
<b>ADAM BRAYTON COOVER</b>	:	

**RESPONSE OF DEFENDANT ADAM JAMES WEAVER TO GOVERNMENT’S  
MOTION IN LIMINE TO PRECLUDE EVIDENCE OR ARGUMENT  
REGARDING PRIOR GOOD ACTS BY RICK WEAVER BUICK GMC, INC., AND  
ADAM WEAVER OR THEIR LACK OF A CRIMINAL RECORD  
AND MEMORANDUM IN SUPPORT**

**AND NOW**, comes the Defendant, ADAM JAMES WEAVER, by and through his counsel, DAVID G. RIDGE, ESQUIRE, and files the following Response to Government’s Motion in Limine to Preclude Evidence or Argument regarding Prior Good Acts by Rick Weaver Buick GMC, Inc., and Adam Weaver or Their Lack of a Criminal Record and Memorandum in Support, as follows:

**I. RESPONSE**

1. As the Government’s Motions indicate, the defendant has been charged with Wire Fraud and Criminal Conspiracy to Commit Wire Fraud. His integrity and credibility are therefore at the core of the Government’s case, and of the defense.

2. Therefore, the defendant does intend to avail himself to the appropriate Federal Rules of Evidence to establish those relevant character traits as to his character and reputation for truthfulness, integrity and credibility.

3. Since the Federal Rules of Evidence allow for the introduction of that type of evidence in the appropriate circumstances, the Government’s Motion should be denied or limited

as follows:

## **II. MEMORANDUM IN SUPPORT**

4. Rule 404(a) clearly establishes the basis for introduction of evidence concerning the defendant's integrity, honesty and credibility.

5. As long as character traits are relevant to the charges which the defendant is facing, the Court will allow introduction of evidence pursuant to Rule 404 and 405.

6. The Government takes great pains to quote cases where character evidence was excluded. A reading of those cases shows that the main problem for those defendants was that the character trait did not match the criminal state of mind which the Government was alleging occurred in those criminal transactions.

7. The defense does not intend to put forth any character evidence for any other trait than honesty, which can also be stated as having a reputation as a "law-abiding" citizen, which has been permitted by the courts. *United States v. Diaz*, 961 F.2d 1417 (9<sup>th</sup> Cir. 1992). The defense does not intend to introduce evidence of specific good acts by the defendant to demonstrate character.

8. If said evidence is submitted to the jury, the defense will be requesting the corresponding jury charge regarding character evidence and its relationship to creating reasonable doubt.

Respectfully submitted,

**THE RIDGE LAW OFFICE**

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Attorney for Defendant Adam James Weaver

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Response of Defendant Adam James Weaver to Government's Motion in Limine to Preclude Evidence or Argument Regarding Prior Good Acts by Rick Weaver Buick GMC, Inc., and Adam Weaver or Their Lack of a Criminal Record and Memorandum in Support was served this date via email upon the following individuals, in accordance with Rules of this Court:

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**THE RIDGE LAW OFFICE**

Dated: September 28, 2017

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